

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY, THE TWENTY SEVENTH DAY OF DECEMBER, TWO
THOUSAND AND SEVENTEEN
: PRESENT :
THE HONOURABLE SMT JUSTICE T. RAJANI
CRLP .No. 12672 of 2017**

Between:-

Vanthala Dhanapathi @ Dinesh, S/o. Addu.

..... Petitioner/Accused No.7.

AND

State of Andhra Pradesh, Rep. by Public Prosecutor,
High Court at Hyderabad, For the State of Telangana and the
State of A.P.

.....Respondent/Complainant.

Petition filed under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/Accused No.7 on bail in Crime No. 54 of 2017 of Chinturu Police Station, East Godavari District .

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Rajasekhar Tulasi, Advocate for the Petitioner and of Public Prosecutor(AP) on behalf of Respondent-State, the Court made the **following ORDER :-**

“This Criminal Petition is filed by the petitioner/A-7 under section 437 and 439 of Cr.P.C., seeking to enlarge him on bail in Crime No. 54 of 2017 Chinturu Town Police Station, East Godavari district, registered for the offences punishable under section 8 [c] read with section 20 [b] [ii] [c] of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioner/A-7 and the learned Public Prosecutor for the respondent/State.

3. The petitioner does not dispute the limitation enunciated under section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, wherein bail can be granted only on certain conditions i.e., there should be reasonable ground to believe that the petitioner is not guilty and that he would not commit any further offence while on bail. Learned Public Prosecutor does not put forth any ground that the petitioner is likely to commit similar offence while on bail. With regard to other condition, the counsel for the petitioner submits that the name of this petitioner is shown as “Vanthala Dhanapathi @ Dinesh”, whereas the confessional statement of A-1 to A-7 is extracted in the remand report would show that A-7 is mentioned as “Dinesh”. With regard to the mentioning of the name of the petitioner as @ “Dinesh” in the cause title, the learned counsel submits that since the said name is mentioned in the remand report and to avoid any objection from the office in numbering the petition he has to mention the said name. He also contends that there is correction in arrest/court surrender form of A-7 as 29/9/2017 and that can be understood to be an error while considering the date as 27/09/2017. But, however, no seizure was also made from this petitioner/A-7, as he was allegedly supplying ganja to Polusani Srinivas. Prima facie, it appears that there is reasonable ground to believe that the petitioner/A7 is not guilty. Hence, no *mens rea* can be attributed to him.

4. Hence, Considering the nature of the offence, criminal petition is allowed and the petitioner/A-7, is directed to be enlarged on bail on condition of his executing personal bond for Rs.10,000=00 [Rs. Ten Thousand only] with two sureties for a likesum each to the satisfaction of I-Additional District and Sessions Judge, Rajahmundry, East Godavari district and appear before the trial court on the dates given by the concerned court. It is made clear that one surety of the petitioner shall be that of the blood relative or a Government employee having immovable property in his native place.

Contd.2..

5. Considering the nature of the offence, the petitioner is entitled for bail and this Criminal Petition is allowed.

6. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The I Additional District and Sessions Judge, East Godavari District at Rajamahendravaram.
- 2.The Judicial First Class Magistrate, Rampachodavaram, East Godavari District.
- 3.Station House Officer, Chinturu Police Station, East Godavari District.
- 4.The Superintendent, Central Prison, Rjahmundry, East Godavari District.
- 5.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT)
- 6.One CC to Sri Rajasekhar Tulasi, Advocate(OPUC)
- 7.One spare copy.

TKK



HIGH COURT

TR.J

DT.27-12-2017.

BAIL ORDER



CRL.P.No. 12672 of 2017

**RELEASE THE PETITIONER
ON BAIL**

**DRAFTED BY TKK
DT.29-12-2017.**

HIGH COURT

TR.J

DT.27-12-2017.



BAIL ORDER

CRL.P.No. 12672 of 2017

**RELEASE THE PETITIONER
ON BAIL.**